

REMARKS

Claims 1-3, 5-15, 27, 28, 36, 37, 40-42, 44, 45, 48, 49, 51 and 52 are pending. Claims 30, 32-34, 39, 43, 47 and 50 have been cancelled without prejudice or disclaimer. Applicant thanks the Examiner for indicating the present of allowable subject matter in previous claim 12. Accordingly, independent claims 1 and 36 have been amended to recite that the pad has a hollow core.

I. **35 USC § 112**

Claim 50 stands rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. However, as claim 50 has been cancelled, Applicant respectfully submits that this rejection is moot.

III. **35 USC § 103(a)**

A. **Claims 1-3, 5, 7, 9-11, 13-15, 27, 28, 36, 37, 40-42, 44, and 45**

Claims 1-3, 5, 7, 9-11, 13-15, 27, 28, 30, 32, 34, 36, 37, 39-45, 47, 49 and 50 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Margarit (U.S. Patent No. 5,979,132) in view of Johnson (U.S. Patent No. 3,200,547) and Hickler (U.S. Patent No. 2,456,006). Applicant respectfully submits claims 30, 32, 34, 39, 43, 47 and 50 have been cancelled.

Claims 1-3, 5, 7, 9-11, 13, 14, 37, and 40-42 have been amended to recite the inclusion of a hollow core for the pad (as recited by “allowable” claim 12). Reconsideration is thus respectfully requested.

Claims 15 and 44 recite that the floating floor has a decor which is *identical* to the decor of the decor sheet of the molding. As none of the cited references teaches or suggests such a feature, reconsideration is respectfully requested.

Claims 27 and 28 recite a method of preventing moisture from seeping into a gap between a floor and a wall comprising, *inter alia*, compressing the pad in the absence of an adhesive. Even if Johnson were to teach a pad as presently recited, there is neither a teaching nor suggestion to eliminate adhesive 19 of Johnson and compress the pad.

B. Claim 6

Claim 6 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Margarit in view of Johnson and Hickler in further view of Stillman (U.S. Patent No. 6,216,164). However, as claim 6 has been amended to recite the inclusion of a hollow core for the pad (as recited by “allowable” claim 12), reconsideration is respectfully requested.

C. Claim 33

Claim 33 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Margarit, in view of Johnson and Hickler in further view of Rusincovitch et al. (U.S. Patent no. 5,866,220). However, as claim 33 has been cancelled, Applicant respectfully submits that this rejection is moot.

IV. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below. If any fee is necessary to make this paper timely and/or complete, it may be deducted from the undersigned's deposit account no. 19-4375.

Respectfully submitted,


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